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24 *Attorneys for Defendant*
 25 CashCall, Inc.

26 UNITED STATES DISTRICT COURT

27 NORTHERN DISTRICT OF CALIFORNIA

28 TRICIA LECKLER, on behalf of
 19 herself and all others similarly
 20 situated,

Case No. C 07-04002 SI

21 Plaintiffs,

[PROPOSED] ORDER GRANTING
 22 DEFENDANT'S MOTION FOR
 23 CERTIFICATION OF ORDER FOR
 24 INTERLOCUTORY APPEAL AND FOR
 25 STAY OF PROCEEDINGS

vs.

26 CASHCALL, INC.,

27 Defendant.

28 [Filed concurrently with Notice of Motion
 and Motion for Certification of Order for
 Interlocutory Review and Staying
 Proceedings]

Date: July 25, 2008
 Time: 9 a.m.
 Place: Courtroom 10
 Judge: Hon. Susan Illston

1 On July 25, 2008, this Court heard oral argument on Defendant's
 2 Motion to certify for interlocutory appeal the Court's May 20, 2008 Order denying
 3 Defendant's motion for partial summary judgment and granting Plaintiff's motion
 4 for partial summary judgment.

5 The Court hereby finds that the May 20, 2008 Order involves a
 6 controlling question of law with respect to the interpretation of the Telephone
 7 Consumer Protection Act of 1991. That question of law is whether a borrower,
 8 who provides a lender her cell phone number in connection with a loan transaction,
 9 has granted "prior express consent" for the lender to call her at that number in an
 10 effort to collect on a delinquent loan, using automated dialing systems or
 11 prerecorded messages, for the purposes of the Telephone Consumer Protection Act
 12 of 1991 ("TCPA"), 47 U.S.C. § 227(b)(1)(A).

13 The Court further finds that there is substantial ground for difference
 14 of opinion with respect to this question of law. The Court further finds that an
 15 immediate appeal from the Order may materially affect the outcome and materially
 16 advance the ultimate termination of this litigation by disposing of the principal
 17 claim of the plaintiffs.

18 Therefore, the matter is certified for appeal pursuant to 28 U.S.C. §
 19 1292(b).

20 IT IS SO ORDERED.

21
 22 Dated: July __, 2008

23 By: _____
 24 Hon. Susan Illston
 25 U.S. District Court Judge

26
 27 41284275.1
 28

PROOF OF SERVICE

I, Brigette Scoggins, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11355 West Olympic Boulevard, Los Angeles, California 90064-1614. On June 6, 2008, I served a copy of the within document(s):

[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION FOR
CERTIFICATION OF ORDER FOR INTERLOCUTORY APPEAL AND FOR
STAY OF PROCEEDINGS

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Douglas J. Campion, Esq.
LAW OFFICES OF DOUGLAS J. CAMPION
411 Camino Del Rio South, Suite 301
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 6, 2008, at Los Angeles, California.

Brigette Scoggins